

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAYRAN MOHAMMAD OSKUIE,

Petitioner,

v.

EOP,

Respondent.

No. 2:22-cv-1107 WBS CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 11, 2022, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner filed objections to the findings and recommendations on September 19, 2022, but still has not provided an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee as ordered by the magistrate judge.


The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having

1 reviewed the file, the court finds the findings and recommendations to be supported by the record
2 and by the magistrate judge's analysis.

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4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed August 11, 2022, are adopted in full;
6 2. This action is dismissed without prejudice; and
7 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
8 2253.

9 Dated: October 4, 2022


10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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